

Shaun Setareh (Cal. State Bar No. 204514)
shaun@setarehlaw.com
William M. Pao (Cal. State Bar No. 219846)
thomas@setarehlaw.com
SETAREH LAW GROUP
9665 Wilshire Boulevard, Suite 430
Beverly Hills, California 90212
Telephone: (310) 888-7771
Facsimile: (310) 888-0109
shaun@setarehlaw.com
william@setarehlaw.com

Attorneys for Plaintiff
RONNIE WILLIAMS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RONNIE WILLIAMS, on behalf of himself, all others similarly situated,

Plaintiff,

VS.

PERDUE FARMS INC., a Maryland corporation; PERDUE FOODS LLC, a Maryland limited liability company; PETALUMA ACQUISITION, LLC, a Delaware limited liability company; COLEMAN NATURAL PRODUCTS, INC., a Delaware corporation; COLEMAN NATURAL FOODS, LLC, a Delaware limited liability company; and DOES 1 through 50, inclusive,

Defendants.

No. 3:19-CV-07671-MMC

ORDER:

- (1) PRELIMINARILY APPROVING PROPOSED SETTLEMENT;**
 - (2) CONDITIONALLY CERTIFYING SETTLEMENT CLASSES;**
 - (3) APPROVING CLASS NOTICE AND RELATED MATERIALS; AND**
 - (4) SETTING HEARING FOR FINAL APPROVAL OF SETTLEMENT**

Date: February 4, 2022
Time: 9:00 a.m.
Place: Courtroom 7
450 Golden Gate Avenue,
San Francisco, CA 94102

Action Filed: October 11, 2019
Action Removed: November 21, 2019
FAC Filed: March 16, 2020

1 Plaintiff RONNIE WILLIAMS's Motion for Preliminary Approval of Class Action
 2 Settlement and Certification of Settlement Classes (the "Motion") came on regularly for hearing
 3 before this court on February 4, 2022. The Court, having considered the proposed Settlement
 4 Agreement (the "Settlement"), attached as Exhibit 1 to the Declaration of Shaun Setareh in Support
 5 of Plaintiff's Motion for Preliminary Approval; having considered the Motion, Memorandum of
 6 Points and Authorities in support thereof, and supporting declarations filed therewith, and the
 7 arguments of counsel presented at the hearing on the Motion; and good cause appearing, HEREBY
 8 ORDERS THE FOLLOWING:

9 1. The Court GRANTS preliminary approval of the class action settlement as set forth
 10 in the Settlement and finds its terms to be within the range of reasonableness of a settlement that
 11 ultimately could be granted approval by the Court at a Final Approval Hearing. For purposes of
 12 the Settlement only, the Court finds that the proposed settlement classes are ascertainable and that
 13 there is a sufficiently well-defined community of interest among the members of the settlement
 14 classes in questions of law and fact. Therefore, for settlement purposes only, the Court grants
 15 conditional certification of the following settlement classes, which are defined as follows:

16 a. Cause of Action No. 2 – Failure to Provide Meal Periods: All persons
 17 employed by Defendants at any time in an hourly or non-exempt position in California
 from May 26, 2019 until February 11, 2022.

18 b. Cause of Action No. 3 – Failure to Provide Rest Periods: All persons
 19 employed by Defendants at any time in an hourly or non-exempt position in California
 from October 11, 2015 until February 11, 2022.

20 c. Cause of Action No. 4 – Failure to Pay Hourly Wages: All persons
 21 employed by Defendants at any time in an hourly or non-exempt position in California
 from May 26, 2019 until February 11, 2022.

22 d. Cause of Action No. 5 – Failure to Indemnify: All persons employed by
 23 Defendants in California who incurred business expenses at any time from October 11,
 2015 until February 11, 2022.

24 e. Cause of Action No. 6 – Failure to Provide Accurate Written Wage
 25 Statements: All persons employed by Defendants at any time in an hourly or non-exempt
 position in California from July 18, 2020 until February 11, 2022.

26 f. Cause of Action No. 7 – Failure to Timely Pay All Final Wages: All
 27 persons employed by Defendants at any time in an hourly or non-exempt position in
 California who separated from their employment with Defendants at any time from May
 28 26, 2019 until February 11, 2022.

1 g. Cause of Action No. 8 – Failure to Pay Wages Without Discount: All
2 persons employed by Defendants at any time in California who were paid their wages
3 with a pay card and were not paid all earned wages at any time from May 26, 2019 until
February 11, 2022.

4 h. Cause of Action No. 9 – Unfair Competition: All persons employed by
Defendants at any time in an hourly or non-exempt position in California from May 26,
5 2019 until February 11, 2022.

6 2. The Court conditionally certifies each of the above-referenced classes solely for
7 purposes of Settlement pursuant to Rule 23 of the Federal Rules of Civil Procedure.

8 3. For purposes of the Settlement, the Court designates Plaintiff RONNIE
9 WILLIAMS as Class Representative, and designates Shaun Setareh and William M. Pao of Setareh
10 Law Group as Class Counsel.

11 4. The Court designates Simpluris as the third-party Settlement Administrator for
12 mailing notices.

13 5. The Court approves, as to form and content, the Notice of Proposed Class Action
14 and PAGA Settlement (attached hereto as Exhibit A), as well as the Request for Exclusion Form
15 (attached hereto as Exhibit B). Exhibits A and B shall be sent to members of the above-referenced
16 classes (“Class Members”).

17 6. The Court finds that the forms of notice to the Class Members regarding the
18 pendency of the action and of the Settlement, and the methods of giving notice to Class Members,
19 constitute the best notice practicable under the circumstances, and constitute valid, due, and
20 sufficient notice to all Class Members. The form and method of giving notice satisfies the
21 requirements of law and due process.

22 7. The Court further approves the procedures for Class Members to opt out of or
23 object to the Settlement, as set forth in the Notice of Proposed Class Action and PAGA Settlement.

24 8. The Court directs the Settlement Administrator to mail the Notice of Proposed
25 Class Action and PAGA Settlement to the Class Members in accordance with the terms of the
26 Settlement.

27 9. The Notices to Class Members shall provide at least 45 calendar days’ notice, from
28 the date of initial mailing, for Class Members to opt out of or object to the Settlement, as set forth

1 in the Notice of Proposed Class Action and PAGA Settlement.

2 10. Pursuant to the Class Action Fairness Act, 28 U.S.C. § 1711 *et seq.* (“CAFA”),
 3 Defendants served upon the Attorney General of the United States and the appropriate state official
 4 of each state in which a Class Member resides a notice of the Settlement.

5 11. The Final Approval Hearing on the question of whether the Settlement should be
 6 finally approved as fair, reasonable, and adequate is scheduled for July 1, 2022, at 9:00 a.m.
 7 Plaintiff shall file a motion for final approval of the Settlement no later than June 10, 2022.

8 12. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement
 9 should be finally approved as fair, reasonable, and adequate for the Classes; (b) whether a
 10 judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff’s
 11 application for reasonable attorneys’ fees, reimbursement of litigation expenses, service award to
 12 Plaintiff, and settlement administration costs should be granted.

13 13. An implementation schedule is below:

Date	Event
February 22, 2022	Defendants to provide to Settlement Administrator database containing Class Member information necessary to calculate Individual Settlement Payments
March 8, 2022	Settlement Administrator to mail Notice to all Class Members
March 8, 2022	Deadline to file, and to post on Settlement website, motion for attorneys’ fees, reimbursement of litigation expenses, service award to Plaintiff, and settlement administration costs; deadline to post Settlement Agreement on Settlement website
April 22, 2022	Deadline for Class Members who did not receive re-mailed Notices to submit objections, Request for Exclusion Forms, and/or disputes to Settlement Administrator
May 7, 2022	Extended deadline for Class Members who received re-mailed Notices to submit objections, Request for Exclusion Forms, and/or disputes to Settlement Administrator
May 12, 2022	Deadline for Settlement Administrator to provide Parties with list of all Class Members who submitted timely and valid Request for Exclusion Forms
May 19, 2022	Deadline for Settlement Administrator to provide Parties with declaration certifying that notice has been mailed under the provisions of the Settlement Agreement
June 10, 2022	Deadline for Plaintiff and Settlement Administrator to file with the Court any timely and valid objections submitted by Class Members

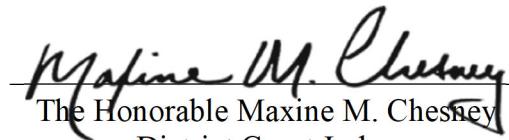
Date	Event
June 10, 2022	Deadline for Plaintiff to file with the Court a motion for final approval of the Settlement, and to include therein Plaintiff's responses to timely and valid objections submitted by Class Members. Plaintiff shall provide drafts of these papers to Defense Counsel at least five (5) court days before filing the documents.
June 10, 2022	Deadline for Defendant to file responses to timely and valid objections submitted by Class Members
July 1, 2022	Hearing on Plaintiff's motion for final approval of Settlement and motion for attorneys' fees, reimbursement of litigation expenses, service award to Plaintiff, and settlement administration costs

14. Pending the Final Approval Hearing, all proceedings in this action, other than
 15 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
 16 Order, are stayed.

17. The Court reserves the right to continue the date of the Final Approval Hearing
 18 without further notice to Class Members. The Court retains jurisdiction to consider all further
 19 applications arising out of or in connection with the Settlement.

20 **IT IS SO ORDERED.**

21 Dated: February 11, 2022


 22 The Honorable Maxine M. Chesney
 23 District Court Judge